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POLICE, GAMBLER, AND JUDGE IN NEW YORK

state penitentiary are to be chosen for their skill and success as *managers of the party's campaign*. The two officers whose power for good is greatest and whose need of professional experience is most urgent are to be selected as a reward for their services in *partisan management*!

Have they any experience in penitentiaries or in public charities? Have they ever devoted any part of their career to that work? Do they know what has been done, what ought not to be done, and what needs to be done? Have they given any test of their ability for such work, or even of their interest in it? These men named in the various dispatches *may* be qualified, for aught we know. But the announcement is that they are to be appointed, *not* because they are or are not qualified, but because they are successful campaign managers, as a reward for party services.

We appoint a bank teller or a factory foreman because he has proved his ability in that career. But we appoint the masters of destiny over our criminals and defectives because of skill in mustering votes.

Faugh! What a sham it is to prate of civilization, where such a practice prevails!

In October, 1910, there was an International Prison Congress in Washington—the first time in America. After their visit the foreign delegates made remarks. They were kindly and generous, but sometimes frank. The one thing they had all noticed was the subservience of penitentiary management in this country to the spoils system of partisan politics.

For our crude senselessness in this matter, we are a laughing-stock to the world.

So be it. We deserve it. The newspaper items of this month prove it anew.

J. H. WIGMORE.

THE POLICE, THE GAMBLER, AND THE JUDGE IN NEW YORK CITY.

On the sixteenth of July last, a man was shot in front of a New York City hotel, at two o'clock in the morning in the glare of the burning high white light of Broadway. That man was a gambler—the owner of a gambling-house, better called a den, though in outward aspect a palace in its furnishings and trappings. The gambler had been paying for protection, which, for the uninitiated into the immoral, unclean, unhealthy and unholy ways of city life, I may say, means that he had been bribing the police to blink his unlawful business. Beg pardon of business.

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Indeed, the police, it is very well known, do not wait to be passively bribed, do not wait to be corrupted, but almost always take the energetic initiative, and seek the bribe, accompanying the demand with threats of arrest and dire punishment if the intended victim does not succumb. Truth to say, the situation is so well known now that neither demands nor threats are needed. A gambler sets up his establishment knowing full well the condition he is to meet. He considers the police protection item an important and an absolutely indispensable one in his expenses. He is safe to ply his black trade to the ruin of innumerable families, to the wrecking of a thousand souls, to the destruction of a thousand otherwise useful spirits, to the driving of his victims into suicide, crime, pauperism, and insanity, and to the infinite benefit of himself.

If there were no gamblers like the man who was murdered, there would be no police situation in New York City today. The police are subdued to what they work in. The police had been receiving money from the murdered gambler—for whom some maudlin, imbecilic sympathy has been aroused, perhaps on account of reaction against the fierce violence, itself grossly imbecilic, of the attack upon the lieutenant caught in the mess. In return the police had been guarding the den. It was not disturbed. This was at first. But then came a change over the spirit of the gambler's dream. He would not pay the exorbitant price which was now asked for the protection of his business. A change you see had come over the spirit of the policeman's dream also; he had found out the gambler could well afford to pay more. They—the fleeced one and the fleecer—dickered and bargained and haggled—and quarreled. The place was raided. The gambler resented the raid. He was not being treated "square": other places were let alone. He determined to "squeal"—and he did. He went to the district attorney of New York County and laid the matter before him. On the sixteenth of July he was to appear before the grand jury. That must not be. Some official's head would be cut off. And who was the official? A lieutenant of police. This lieutenant was the head of the "vice squad"—a department of the police in charge of disorderly places—a very fruitful job, a very luscious plum. Whether the commissioner of police knew anything has not been shown. Investigation so far has not brought to light any facts which demonstrate, or point to the conclusion that he did. A superior must to a large extent depend upon his subordinates. A certain supervision, or guidance there must be; a certain knowledge of what is going on. But the most omnipresent, and omniscient human being would find it beyond him to get into the boots of all his subordi-

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nates. So this lieutenant ran his department. He had his collectors who went around at stated intervals to gather the "dough," the "protection money." The collectors were policemen and civilians. Poor policemen! They never got anything for assembling the cash that was enriching their superior. Their duty was to take and to give over, and seemingly they did. No policeman has as yet squealed on the lieutenant. The dignity of the department and of the whole force has been kept. No direct knowledge from these collectors have we. But no one doubts the fact. And a jury of twelve men of New York County has given its verdict of guilty. Think of it; proved even in a court of justice, and convicted by men of family, whose lives everyone thought would not have been worth a pin had they brought in a verdict of conviction. To continue—the gambler was to give evidence against the lieutenant. The latter called to him other gamblers. These tried to dissuade the irate one. They could not do it. The lieutenant was getting anxious. The time was going fast; the fatal moment was approaching. The gambler must not appear before the grand jury. "Hire some one to kill him. If you don't do it, I'll frame up a case on you, or I'll kill the skunk myself." And so the assassins were hired—four young gangsters—revolver wielders, gamblers, sports, men about town, gentlemen of leisure and of pleasure, ready for any light work which much fruit produceth. The assassins did the job. They escaped. The lieutenant had promised there would be no policeman around when the trick was done, and as you see, he had kept his word. But the public was stirred, and the force from top to bottom was not rotten. No more unjust accusations could be brought against the whole police force than were hurled at it in those evil days. No matter how much public indignation, no matter how much newspaper word-slinging—we have seen lately on several occasions how really feeble the Fourth Estate sometimes is—if the putrefaction had permeated the police, if the cancerous material had spread its venomous arms through every branch and twig and root of the tree, no public clamour, no efforts of the district attorney, no efforts even of the best private detectives could have done the remarkably good work performed by the detective bureau in running down the murderers and in hunting up the witnesses. That work, to my mind, would be, though no other evidence were available, conclusive of the core-soundness of the force. Every help of benefit to the district attorney was given by an efficient deputy commissioner. The assistant district attorney who tried the cases springing out of the murder complained sorely that the police had not appeared to testify, "that the state had to do without them." Great odds! Yes, true. But when you have said that the "vice squad" kept

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tight and one lone policeman who was kept away from post did not squeal, you have said nearly all. The rest is not discreditable to the police. They could not have done more. The witnesses against the lieutenant on trial for murder must come from the civilians he had hired, and perhaps from the subordinates he had corrupted and used. The latter did not budge. They were true men—to *their* principles. But before a whole organization is bespattered with mud, before it is covered with infamy and breach of public faith, let us gather more evidence which shall be spread over greater space. There is a time for screeching and screaming. The smug, comfortable citizen who wakes up one morning with a start, caused by the revolver shots of four assassins, and yells out his lungs crying "murder, murder, police, police"—and finds that the police will not answer his shout, has no reason in his shout. Nor have the eagle-eyed newspapers themselves any great cause for vengeance red in tooth and claw. A great deal must be forgiven the Fourth Estate, by those who know the how and the why of newspapers. To these men the boiling-cauldron editorials, and the eye-smashing head-lines are empty of reason, of sincerity, and of truth, and hence, of force to move.

The lieutenant's case is over. He is now in the death-house in Sing-Sing. The case of the four "gunmen" is over. They are now resting by the side of the lieutenant in the same house in Sing-Sing. But before their cases began the aldermen of our city roused by the newspaper clatter, entered upon an investigation. There have been many sessions of the committee of investigation. What has been proved?

1—That among the members of the force are perjurers, ex-convicts, men who were habitually disorderly when they were civilians, gang-leaders, burglars, wife-beaters and wife-deserters, men guilty of felonious assault, and one man who had cut the throat of a fifteen-year-old boy.

2—That men of bad character, who were dismissed from the force because of misconduct, were re-instated and promoted.

3—That on the other hand men were dismissed for trivial faults.

4—That police associations have tremendous power within the department of police. That the officers of these associations have easy berths in the force.

5—That four officers of these police associations together with one deputy commissioner compose the pension board.

6—That the police instigate crime.

7—That "frame ups" happen, that is, innocent people are **accused** of crime, and evidence against them manufactured. That very often the frame up is performed on a person known to be a criminal, either to satisfy private grudge, or to obtain the merit of capture.

JUDGE CARTER'S RESIGNATION

8—That the police get possession of stolen articles, and then retain them, and give them back to the owner only for a consideration.

(It is due to say that so far as the public goes only one case indicating 6, 7 and 8 has been published. Counsel for the aldermanic committee seems to hint in a recent newspaper interview, that there are more like cases).

9—That men under charges are allowed to resign. This procedure leaves the resigning officer an open way by which to come back.

Counsel for the investigating committee says that these branches of the force will be investigated: Chief inspector's office, bureau of complaints, bureau of records and filing, detective bureau, pensions bureau, bureau of repairs and supplies, the surgical bureau, the school of recruits, the police associations, trials of delinquent policemen, and the distribution of the force.

There is one matter connected with the trials for murder of the lieutenant and the four gangsters, which readers of this Journal should be told of. In these times of tumult and shouting against the slowness of motion of courts, and the lack of backbone in judges who preside over them it is refreshing and invigorating to witness the performance of the judge who presided over the two murder trials here. The rapidity with which the wheels of justice moved, the enlightened, learned, almost unerring certainty with which the law was laid down; the brushing aside of all excrescences and rank weeds; the dignified and firm keeping of counsel to the issues; the rehabilitation, for such it really is, in New York County—of the respect for the judicial ermine, and for the judicial mind in the souls of both counsel and public, the recovery of the common law power of the judge—at least in part—to direct the trial and to comment upon the evidence in charging the jury—were all elements in this situation which to a lawyer anxious for the future of law, and of his profession, and to a layman desirous of seeing swift, yet enlightened verdicts within the essential forms of law, could not but be highly pleasing and encouraging. What the appellate courts will say as to these points, it is premature to guess. But if they are keeping their eyes to the east and their ears to the ground, they hear the rumblings of the time, its strident needs, its imperative demands, and see the bright rosy light of a better age when law will come nearer to being justice than it has been for long.

ROBERT FERRARI.

JUDGE CARTER'S RESIGNATION.

At the first annual meeting of the Illinois Branch of the Institute which was held in Chicago in May, 1912, Judge Orrin N. Carter of the